

Of Counsel:
 ALSTON HUNT FLOYD & ING
 Attorneys At Law
 A Law Corporation

ORIGINAL

FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

PAUL ALSTON	1126-0
BRUCE H. WAKUZAWA	4312-0
GLENN T. MELCHINGER	7135-0
JASON H. KIM	7128-0

SEP 07 2007 *Agy*
 at 10 o'clock and 55 min. M.
 SUE BEITIA, CLERK

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Attorneys for Plaintiffs
 and Third-Party Defendants
 the Sports Shinko Companies

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

SPORTS SHINKO CO., LTD.,)	CV 04-00124 BMK
)	CV 04-00127 BMK
Plaintiff,)	
)	CONSOLIDATED CASES
vs.)	
QK HOTEL, LLC, et al.,)	SUBPOENA IN A CIVIL CASE
)	
Defendants,)	
)	
and)	
)	
FRANKLIN K. MUKAI, et al.,)	
)	
Third-Party)	
Plaintiffs,)	
)	
vs.)	
)	
SPORTS SHINKO (USA) CO., LTD.,)	
et al.,)	
)	
Third-Party)	
Defendants,)	

and)
)
 SPORTS SHINKO (HAWAII) CO.,)
 LTD., et al.,)
)
 Third-Party Defendants/)
 Counterclaimants,)
)
 vs.)
)
 QK HOTEL, LLC, et al.,)
)
 Third-Party Counterclaim)
 Defendants.)
)
 AND CONSOLIDATED CASES)
)
 _____)

SUBPOENA IN A CIVIL CASE

TO: Custodian of Records
 AQUA ENGINEERS, INC.
 3560 Koloa Road
 Kalaheo, HI 96741-9160

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects and electronically stored information at the place, date, and time specified below (list documents or objects): (SEE ATTACHED EXHIBIT "A")

Documents and electronically stored information produced pursuant to this Subpoena are to be mailed or couriered to the requesting attorney below, and must be accompanied by the Certification of Custodian of Records attached as Exhibit "B".

PLACE	DATE AND TIME
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Glenn T. Melchinger, Esq. ALSTON HUNT FLOYD & ING 1001 Bishop St., 18 th Floor ASB Tower Honolulu, HI 96813	September 7, 2007 at 10:00 a.m.
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Any organization not a party to these suits that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE

DATE



Attorney for Plaintiffs
and Third-Party Defendants,
the SS Companies

August 28, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Glenn T. Melchinger, Esq.
Alston Hunt Floyd & Ing
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Honolulu, HI 96813
Telephone: (808) 524-1800
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(See Rule 45, Federal Rules of Civil Procedure,
Parts C & D on next page)

PROOF OF SERVICE		
SERVED	DATE 8-31-07	PLACE Aqua Engineers 3560 Coloma Rd Kalamazoo, MI 49041
SERVED ON (PRINT NAME) Aqua Engineers	MANNER OF SERVICE Personal	
SERVED BY (PRINT NAME) Arnold K. Kawashino	TITLE Civil Deputy.	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 8-31-07

DATE

SIGNATURE OF SERVER

P.O. Box 851, Kalamazoo, MI 49041

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.